

PROB 12C
(7/93)

UNITED STATES DISTRICT COURT
for
The Middle District of Alabama
Amended
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: KELLEY, Matthew Leo

Case Number: 1:05CR00122-002-MHT

Name of Sentencing Judicial Officer: Honorable Myron H. Thompson, United States District Judge

Date of Original Sentence: January 26, 2006

Original Offense: Possession of Marijuana; 21 U.S.C § 844(a)

Original Sentence: 18 month term of probation

Type of Supervision: Probation

Date Supervision Commenced: January 26, 2006

Assistant U.S. Attorney: Kent Brunson

Defense Attorney: Richard Keith

PETITIONING THE COURT

- ☒ To amend petition dated March 21, 2006 to include Violations No. 3; Warrant previously issued
☐ To issue a warrant
☐ To issue a summons

The Probation Officer believes that the offender has violated the following condition(s) of supervision:

- | <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|--|---|
| 1. | Violation of a mandatory condition of probation which states, "The defendant shall refrain from any unlawful use of a controlled substance." |
| <p>On February 27, 2006, an instant drug test was obtained from Kelley, observed by U. S. Probation Officer Brad Brockett. The test results indicated a presumptive positive for marijuana. An admission of drug use form was signed by Kelley admitting that he had used marijuana on or about February 17, 2006.</p> | |
| 2. | Violation of standard condition number three (3), which states, "The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer." |
| <p>On March 10, 2006, the probation officer instructed Kelley to report to the probation office on March 13, 2006. Kelley was unable to report on this date, and his appointment was rescheduled for March 14, 2006. Kelley failed to report on March 14, 2006, as instructed.</p> | |
| 3. | Violation of mandatory condition of supervised release which states, "While on supervised release, the defendant shall not commit another federal, state or local crime." |

On March 31, 2006, Kelley was arrested by Investigator John W. Snodgrass and Investigator Teddie Motley from the Covington County, Alabama Sheriff's Department and charged with Theft of Property, 1st Degree. According to the Alabama Uniform Arrest Report, Investigator Snodgrass and Investigator Motley received information that several stolen items were located at Mr. James Green's residence in Red Level, Alabama. Mr. Green signed a statement that he had purchased the stolen property from Kelley on March 30, 2006. Investigator Snodgrass located Kelley, and advised him of his legal rights. Kelley gave a statement to Investigator Snodgrass admitting that he and his brother, Keith Kelley, along with Veronica Sanders had stolen the property, and sold the items to James Green in Red Level, Alabama. The victim identified the property as being a Campbell air compressor, a Dewalt skill saw, a Bostitch framing nail gun, and an Onan 6000 Generator. The value of the property was estimated to be \$3,900, and the property was returned to the victim. Kelley was arrested and placed in the Covington County, Alabama Jail.

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U. S. Probation Officer Recommendation:

The term of supervision should be

- ☒ revoked.
☐ extended for __ months

☐ The conditions of supervision should be modified.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 4/17/2006.

/s/ Brad Brockett
Brad Brockett
United States Probation Officer

Reviewed and Approved:

/s/ Robert A. Pitcher
Robert A. Pitcher, Senior U. S. Probation Officer/OIC

THE COURT ORDERS:

x Petition dated March 21, 2006 amended; warrant previously issued

- ☐ The Issuance of a Summons
☐ The Issuance of a Warrant
☐ No Action
☐ Other

/s/ Myron H. Thompson
Signature of Judicial Officer

April 17, 2006
Date